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25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA**

27 NATIONAL FEDERATION OF THE
28 BLIND, RICK BOGGS, GERALDINE
CROOM, ROCHELLE HOUSTON,
and TINA THOMAS, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

RIDECHARGE, INC.,
ADMINISTRATIVE SERVICES
COOPERATIVE, INC., LA TAXI
COOPERATIVE, INC., and SOUTH
BAY YELLOW CAB
COOPERATIVE, INC.,

Defendants.

Case No. 2:14-cv-2490

**COMPLAINT FOR VIOLATIONS
OF THE AMERICANS WITH
DISABILITIES ACT, 42 U.S.C. §
12181. *et seq.*, THE CALIFORNIA
UNRUH CIVIL RIGHTS ACT,
CALIFORNIA CIVIL CODE § 51 *et
seq.*, AND CALIFORNIA
DISABLED PERSONS ACT,
CALIFORNIA CIVIL CODE §§ 54-
54.3**

CLASS ACTION

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1 INTRODUCTION

2 Plaintiffs complain of Defendants and allege herein as follows:

3 1. This class action seeks to put an end to systemic civil rights violations
4 committed by RideCharge, Inc. (“RideCharge”), Administrative Services
5 Cooperative, Inc. (“ASC”), LA Taxi Cooperative, Inc. (“LA Taxi”), and South Bay
6 Yellow Cab Cooperative, Inc. (“SBC”) (together “Defendants”) against blind
7 persons who use taxis in Southern California.

8 2. Together, Defendants provide sighted taxicab riders throughout Southern
9 California with self-service point-of-sale terminals (“self-service terminals”) that
10 are inaccessible to blind riders. The self-service terminals utilize an entirely visual,
11 touchscreen interface mounted on the back of the front passenger or driver seat that
12 allows sighted taxicab riders to privately and independently review trip and fare
13 information and privately pay fares and determine tip amounts without interacting
14 with the driver. The terminals’ exclusively visual interface lacks accessibility
15 features for blind riders, such as tactile controls and text-to-speech output. As a
16 result, blind riders are unable to use Defendants’ self-service terminals at all.

17 3. When blind riders in taxicabs with Defendants’ self-service terminals need
18 to pay for their rides using credit cards, they must ask taxi drivers to orally
19 describe trip and fair information without having any independent way to verify
20 such information. Blind riders are also placed in the uncomfortable and coercive
21 position of having to orally tell taxi drivers how much or what percentage tip to
22 offer with no independent method of verifying the tip amounts that drivers actually
23 enter. Additionally, because Defendants’ self-service terminals are located in the
24 backseat, drivers must park in a location where they can get out of the vehicles and
25 enter the backseat to operate the self-service terminals for blind riders. This
26 creates an awkward scenario where the passenger and driver are sharing the back
27 seat. In addition, due to parking constraints, blind riders sometimes face delays or
28

1 are dropped off multiple blocks from their destinations, adding complexity and
2 potential safety hazards to the riders' commutes.

3 4. Taxicabs are a critical transportation option for many blind travelers in
4 Southern California. Many blind people travel independently using guide dogs or
5 canes. However, due to distances between destinations and the limitations of public
6 transportation and paratransit in the area, many blind persons must use taxicabs to
7 travel from one place to another. The fact that the self-service terminals are
8 inaccessible denies blind persons in Southern California full and equal access to
9 this critical mode of transportation.

10 5. Due to recent advances in automation and self-service shopping technology,
11 automated payment systems, such as Defendants' self-service terminals, have
12 become an increasingly prominent part of the way people purchase goods and
13 services. Such systems are now available in taxicabs in major cities throughout the
14 Country and are rapidly becoming the primary method taxicab operators use to
15 conduct transactions and interact with customers.

16 6. Other taxi payment system operators, including those who provide self-
17 service terminals for large fleets in New York City, Boston, and other large cities
18 provide terminals with accessibility features that allow blind riders to
19 independently operate backseat payment systems without relying on the driver or a
20 sighted companion. These terminals utilize "text-to-speech" technology that
21 translates the text displayed on a screen into audible, synthesized speech and
22 provide tactile controls that allow blind riders to make selections, including
23 selections involving payment and tip amounts, independently. This technology is
24 also widely available in ATMs, ticketing kiosks, mobile smart phones, and
25 personal computers.

26 7. Despite readily available technology that can make self-service terminals
27 independently operable by blind persons, Defendants have chosen to rely on an
28 exclusively visual interface. By failing to make the services offered by the self-

1 service terminals in ASC, SBC and LA Taxi taxicabs in Southern California
2 accessible to blind persons, Defendants are violating basic equal access
3 requirements under both state and federal law.

4 8. Congress provided a clear and national mandate for the elimination of
5 discrimination against individuals with disabilities when it enacted the Americans
6 with Disabilities Act. Such discrimination includes barriers to full integration,
7 independent living, and equal opportunity for persons with disabilities, including
8 those barriers created by inaccessible self-service terminals in places of public
9 accommodation, such as taxicabs. Similarly, California state law requires full and
10 equal access to all business establishments and places where the public is invited.

11 9. Plaintiffs, consisting of several blind individuals and the National Federation
12 of the Blind, attempted to resolve this matter without a lawsuit, but were unable to
13 obtain a commitment by Defendants to remedy these barriers to full and equal
14 access.

15 10. Plaintiffs use the terms “blind person” or “blind people” and “the blind” to
16 refer to all persons with visual impairments who meet the legal definition of
17 blindness in that they have central visual acuity no greater than 20/200 in the better
18 eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater
19 than 20/200, but with a limitation in the field of vision such that the widest
20 diameter of the visual field subtends an angle not greater than 20 degrees. Some
21 blind people who meet this definition have limited vision. Others have no vision.

22

23 **JURISDICTION**

24 11. This Court has subject matter jurisdiction of this action pursuant to 28
25 U.S.C. § 1331 and 42 U.S.C. § 12188, for Plaintiffs’ claims arising under the
26 Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq.

27 12. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337, over
28 Plaintiffs’ pendent claims under the California Unruh Civil Rights Act (California

1 Civil Code §§ 51, et seq.), and the Disabled Persons Act (California Civil Code §§
2 54-54.3).

3 **VENUE**

4 13. Venue is proper in the Central District pursuant to 28 U.S.C. §§ 1331(b)-(c)
5 and 1441(a).

6 14. Defendants ASC, LA Taxi, and SBC are registered to do business in
7 California. Defendants ASC, LA Taxi, SBC, and RideCharge have been doing
8 business in California, including the Central District of California. ASC owns
9 and/or operates several taxicab fleets in Southern California, doing business under
10 the names LA Yellow Cab, Fiesta Taxi, Long Beach Yellow Cab, South Bay
11 Yellow Cab, and United Checker Cab. ASC owns and/or operates approximately
12 1,200 taxicabs in the Central District. LA Taxi owns, leases, maintains, and/or
13 operates approximately 760 taxicabs in the Central District. SBC owns, leases,
14 maintains, and/or operates approximately 180 taxicabs in the Central District.
15 RideCharge owns, leases, maintains, and/or operates self-service terminals located
16 in at least 1600 taxicabs throughout California, most of which are in the Central
17 District. Defendants are subject to personal jurisdiction in this District.

18 Defendants have been and are committing the acts alleged herein in the Central
19 District of California, have been and are violating the rights of consumers in the
20 Central District of California, and have been and are causing injury to consumers
21 in the Central District of California. A substantial part of the acts and omissions
22 giving rise to Plaintiffs' claims have occurred in the Central District of California.

23 15. Members of the class include many residents of California, including
24 individuals who reside in the Central District. All of the individual, named
25 Plaintiffs experienced injury in this District as a result of Defendants' inaccessible,
26 touch-screen self-service terminals in taxicabs owned, operated or leased by
27 Defendants. Additionally, the National Federation of the Blind has members and
28 chapters in the Central District.

PARTIES

16. The National Federation of the Blind (“NFB”), the oldest and largest
national membership organization of blind persons, is a non-profit corporation duly
organized under the laws of the District of Columbia with its principal place of
business in Baltimore, Maryland. It has affiliates in all 50 states, Washington,
D.C., and Puerto Rico. The vast majority of its approximately 50,000 members are
blind persons who are recognized as a protected class under federal and state laws.
The NFB is widely recognized by the public, Congress, executive agencies of
government, and the courts as a collective and representative voice on behalf of
blind Americans and their families. The purpose of the NFB is to promote the
general welfare of the blind by (1) assisting the blind in their efforts to integrate
themselves into society on terms of equality and (2) removing barriers and
changing social attitudes, stereotypes, and mistaken beliefs that sighted and blind
persons hold concerning the limitations created by blindness and that result in the
denial of opportunity to blind persons in virtually every sphere of life. The NFB
and many of its members have long been actively involved in promoting accessible
technology for the blind, so that blind persons can live and work independently in
today’s technology-dependent world. NFB members reside throughout the United
States, including California. Many NFB members have encountered and will
continue to encounter barriers due to the inaccessible RideCharge self-service
terminals at issue. The NFB sues on behalf of its members throughout the United
States and the proposed class, as well as in furtherance of its extensive efforts and
expenditure of resources in promoting two of its principal missions: independence
of the blind and equal access to technology for the blind. Defendants’
discriminatory use of inaccessible self-service terminals frustrates these missions
of the NFB and results in the diversion of its resources to address Defendants’
discriminatory practices.

1 17. Plaintiff Boggs is blind, a member of NFB, and a resident of Northridge,
2 California. Mr. Boggs works as an audio engineer and travels about three times per
3 week by taxicab for work. He regularly encounters Defendants' inaccessible
4 terminals. Mr. Boggs attempted to use a taxicab from LA Yellow Cab in
5 Northridge, California, on or about December 29, 2013. Because the inaccessible
6 self-service terminal did not offer a non-visual means of operation, Mr. Boggs was
7 unable to read ride information, select a tip, and pay for the trip independently and
8 privately. When it came time for Mr. Boggs to pay for his ride, the driver was
9 reluctant to assist Mr. Boggs with the self-service terminal. Mr. Boggs had to get
10 out of the car and call the taxi company from his office. He experienced a delay of
11 approximately thirty minutes attempting to pay for his ride. Mr. Boggs often
12 experiences delays attempting to pay by credit card in taxicabs with Defendants'
13 self-service terminals.

14 18. Plaintiff Thomas is blind, a member of NFB, and a resident of Los Angeles,
15 California. Ms. Thomas uses taxicabs frequently and has encountered inaccessible
16 RideCharge self-service terminals on multiple occasions, including on a trip in an
17 LA Yellow Cab in Los Angeles on or about October 10, 2013, on a trip in a United
18 Checker Cab from Los Angeles to Hawthorne on or about November 26, 2013, and
19 on a trip in a Long Beach Yellow Cab from Long Beach to Los Angeles on or
20 about December 1, 2013. On each of those occasions, because the inaccessible
21 touch-screen RideCharge self-service terminal did not offer a non-visual means of
22 operation, Ms. Thomas was unable to read ride information, select a tip, and pay
23 for the trip independently and privately. She had to rely on the driver to provide
24 trip and fare information and enter the tip amounts with no independent way of
25 verifying that information. Also, on each of those occasions, Ms. Thomas was
26 delayed while the driver found a place to park, entered the backseat of the vehicle,
27 and attempted to figure out how to use the touchscreen on her behalf.

28

1 19. Plaintiff Houston is blind, a member of NFB, and a resident of Los Angeles,
2 California. Ms. Houston regularly encounters Defendants' inaccessible self-
3 service terminals. Ms. Houston attempted to use a taxicab from South Bay Yellow
4 Cab on or about October 2, 2013, when traveling from Torrance to Los Angeles,
5 California. However, because the inaccessible self-service terminal in the taxicab
6 did not offer a non-visual means of operation, Ms. Houston was unable to read ride
7 information, select a tip, and pay for the trip independently and privately. She had
8 to seek the assistance of the driver to use the self-service terminal. Ms. Houston
9 also encountered the above barriers in a Fiesta Taxi cab on or about November 19,
10 2013, when traveling in Norwalk, California, and again had to rely on the driver
11 for trip and fare information and to enter her tip amount, without any independent
12 method of verifying the information or the tip amount entered by the driver. On
13 one occasion when Ms. Houston attempted to use the inaccessible self-service
14 terminal to pay for her ride, the driver was unable to locate parking near her
15 destination and ended up dropping Ms. Houston off a few blocks from her
16 destination at a location where he could park the vehicle, get out of the car, and
17 enter the backseat to input her payment and tip information. Ms. Houston then had
18 to seek the assistance of the driver to walk her to her destination safely.

19 20. Plaintiff Croom is blind, a member of NFB, and a resident of Los Angeles,
20 California. She regularly encounters Defendants' inaccessible self-service
21 terminals while traveling. Ms. Croom attempted to use a taxicab from LA Yellow
22 Cab on or about September 23, 2013, when traveling in Los Angeles, California.
23 However, because the inaccessible self-service terminal did not offer a non-visual
24 means of operation, Ms. Croom was unable to read ride information, select a tip,
25 and pay for the trip independently and privately. She had to seek the assistance of a
26 third party to use the self-service terminal.

27 21. Defendant RideCharge is a Delaware corporation doing business as Taxi
28 Magic. RideCharge owns, operates, and/or maintains Taxi Magic Passenger

1 Information Monitors (described herein as self-service terminals) used in at least
2 one thousand six hundred (1600) taxicabs operated by ASC, LA Taxi, and SBC in
3 Southern California. Upon information and belief, RideCharge collects a fee for
4 each credit card transaction that is processed on the self-service terminals and
5 shares in advertising revenue generated from the content displayed on the device.
6 Plaintiffs seek full and equal access to the accommodations, advantages, facilities,
7 privileges, and services provided by RideCharge through its numerous self-service
8 terminals throughout California.

9 22. Defendant ASC is a California-based entity. ASC is the largest taxi business
10 in Los Angeles, and ASC owns, operates, and/or maintains taxicabs doing business
11 under the names: LA Yellow Cab, South Bay Yellow Cab, United Checker Cab,
12 Long Beach Yellow Cab, and Fiesta Taxi. ASC has around one thousand two
13 hundred (1200) taxicabs in Southern California. Upon information and belief,
14 ASC offers sighted riders the ability to privately and independently access trip
15 information and pay for their rides using self-service terminals in all of its taxicabs.
16 Blind riders are unable to privately and independently access trip information and
17 pay for their rides in any of ASC's taxicabs because all of the self-service
18 terminals in ASC's taxicabs are inaccessible to blind riders. Plaintiffs seek full and
19 equal access to the accommodations, advantages, facilities, privileges, and services
20 provided by ASC at its numerous taxicabs throughout Southern California.

21 23. Defendant LA Taxi is a California-based entity. LA Taxi does business as
22 LA Yellow Cab and has around seven hundred sixty (760) taxicabs in Southern
23 California. Upon information and belief, all of these taxicabs offer riders the
24 services of the self-service terminals, which are inaccessible to blind riders.
25 Plaintiffs seek full and equal access to the accommodations, advantages, facilities,
26 privileges, and services provided by LA Taxi at its numerous taxicabs in Southern
27 California.

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1 24. Defendant SBC is a California-based entity. SBC does business as South
2 Bay Yellow Cab and/or United Checker Cab. SBC has around one hundred eighty
3 (180) taxicabs throughout Southern California. Upon information and belief, all of
4 these taxicabs offer riders the services of the self-service terminals, which are
5 inaccessible to blind riders. Plaintiffs seek full and equal access to the
6 accommodations, advantages, facilities, privileges, and services provided by SBC
7 at its numerous taxicabs throughout Southern California.

CLASS ACTION ALLEGATIONS

9 25. Plaintiffs seek certification of the following Class pursuant to Fed. R. Civ. P.
10 23(a), 23(b)(2), and, alternatively, 23(b)(3): "all legally blind individuals who
11 have been and/or are being denied access to the services, privileges, advantages,
12 and accommodations that Defendants offer due to self-service terminals in taxicabs
13 that are inaccessible to blind persons in California."

14 26. The persons in the class are so numerous that joinder of all such persons is
15 impractical and the disposition of their claims in a class action is a benefit to the
16 parties and to the Court.

17 27. This case arises out of Defendants' common policy and practice of denying
18 blind persons access to the goods and services of the self-service terminals in
19 taxicabs since all such terminals use the same visual interface that is inaccessible to
20 blind persons. Due to Defendants' policy and practice of failing to remove these
21 uniform access barriers, blind persons have been and are being denied full and
22 equal access to the self-service terminals and the goods and services they offer.

23 28. There are common questions of law and fact involved affecting the parties to
24 be represented in that they all are legally blind and have been and/or are being
25 denied their civil rights to full and equal access to, and use and enjoyment of the
26 accommodations, advantages, facilities, privileges, and services provided by
27 Defendants at the self-service terminals in taxicabs, due to the lack of accessible

1 features at those self-service terminals, as required by law for persons with
2 disabilities.

3 29. The claims of the named Plaintiffs are typical of those of the class.

4 30. Plaintiffs will fairly and adequately represent and protect the interests of the
5 members of the Class. Plaintiffs have retained and are represented by counsel
6 competent and experienced in complex class action litigation, including class
7 actions brought under the Americans with Disabilities Act and California law
8 requiring full and equal access for people with disabilities.

9 31. Class certification of the claims is appropriate pursuant to Fed. R. Civ. P.
10 23(b)(2) because Defendants have acted or refused to act on grounds generally
11 applicable to the Class, making appropriate both declaratory and injunctive relief
12 with respect to Plaintiffs and the Class as a whole.

13 32. Class certification is also appropriate under Fed. R. Civ. P. 23(b)(3) because
14 questions of law and fact common to class members predominate over questions
15 affecting only individual class members, and because a class action is superior to
16 other available methods for the fair and efficient adjudication of this litigation.

17 33. References to Plaintiffs shall be deemed to include the named Plaintiffs and
18 each member of the class, unless otherwise indicated.

FACTUAL ALLEGATIONS

19 34. Defendants' self-service terminals are touchscreen devices that are typically
20 mounted just behind the front passenger or driver seats of taxis in California,
21 including the ASC, LA Taxi and SBC taxicabs. The devices feature audio
22 speakers, internet connectivity, a double-sided, magnetic credit-card swipe, and a
23 video touchscreen monitor. The self-service terminals allow sighted riders to
24 privately and independently verify their fares, select tip amounts, and pay for their
25 rides using commands on the touchscreen without ever interacting with the driver.
26 The self-service terminals also provide sighted passengers with trip information
27
28

1 during rides, such as information about the driver and the local taxi authority, as
2 well as other features and entertainment content.

3 35. Defendants offer the services of the self-service terminals in the majority of
4 taxicabs throughout Southern California, including taxicabs owned, leased,
5 operated, and/or maintained by ASC, LA Taxi, and SBC.

6 36. Defendants' self-service terminals require riders to utilize an exclusively
7 visual user interface. To use the terminals, riders must visually identify and
8 interact with command icons on the screen without the aid of any adaptive
9 features, such as text-to-speech output or tactile controls. As a result, all of the
10 services, privileges, advantages, and accommodations that Defendants offer at the
11 self-service terminals are only available to sighted riders and are completely
12 inaccessible to blind riders.

13 37. Defendant ASC provides the self-service terminals as accommodations,
14 advantages, facilities, privileges, and services of its taxicabs throughout Southern
15 California.

16 38. Defendant LA Taxi provides the self-service terminals as accommodations,
17 advantages, facilities, privileges, and services of its taxicabs throughout Southern
18 California.

19 39. Defendant SBC provides the self-service terminals as accommodations,
20 advantages, facilities, privileges, and services of its taxicabs throughout Southern
21 California.

22 40. Sighted customers who use the self-service terminals in ASC, LA Taxi, and
23 SBC taxicabs have access to a variety of services, privileges, advantages, and
24 accommodations including the following:

- 25 • Reviewing trip fare and charges privately and independently;
26 • Browsing and selecting tip options privately and independently;
27 • Paying for rides with a credit card privately and independently;

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- 1 • Reviewing other trip and entertainment information available on the
- 2 touchscreen independently; and
- 3 • Controlling media playback options privately and independently.

4 41. In contrast, blind riders must seek the assistance of the driver or other third
5 parties to use Defendants' self-service terminals at all. Indeed, for blind riders, the
6 self-service aspect of the service, its primary benefit, is lost. Blind riders have no
7 independent access to trip and fare information. Blind riders in vehicles with the
8 self-service terminals must rely entirely on drivers or other third parties to convey
9 fare information and enter tip amounts without any independent method of
10 verifying such amounts. To pay with a credit card, blind riders must wait for the
11 driver to park the taxicab in a location where the driver can safely get out of the
12 vehicle and enter the backseat to utilize the touchscreen to input the blind riders
13 selections for payment and trip information, often resulting in drivers dropping off
14 blind riders further away from their destinations than necessary.

15 42. Moreover, information and services available exclusively during a ride are
16 not even available with assistance from the driver because the driver cannot safely
17 drive the vehicle and simultaneously assist the passenger in the back seat.

18 43. Technology exists to make the self-service terminals accessible to blind
19 customers, and this technology is already in use by other taxicab companies and at
20 automated bank teller machines throughout California. This technology includes
21 the use of text-to-speech-based audio output and tactile controls.

22 44. Defendant RideCharge has long been aware of means by which its existing
23 self-service terminals could be made accessible to blind individuals. Nevertheless,
24 RideCharge has refused to make its self-service terminals accessible.

25 45. Defendant ASC has long been aware of means by which ride information
26 and payment services can be made accessible to blind persons. Nevertheless, ASC
27 has refused to provide accessible ride information and payment services in its
28 taxicabs.

1 46. Defendant LA Taxi has long been aware of means by which ride information
2 and payment services can be made accessible to blind persons. Nevertheless, LA
3 Taxi has refused to provide accessible ride information and payment services in its
4 taxicabs.

5 47. Defendant SBC has long been aware of means by which ride information
6 and payment services can be made accessible to blind persons. Nevertheless, SBC
7 has refused to provide accessible ride information and payment services in its
8 taxicabs.

9 48. Defendants RideCharge, ASC, LA Taxi, and SBC thus provide
10 accommodations, advantages, privileges, and services that contain access barriers
11 for blind riders. These barriers deny full and equal access to Plaintiffs, who would
12 otherwise fully and equally enjoy the benefits and services of the self-service
13 terminals and ASC, LA Taxi, and SBC taxicabs.

14 49. On January 13, 2014, Plaintiffs notified Defendants of the unlawful
15 accessibility barriers at RideCharge' self-service terminals, ASC's taxicabs, LA
16 Taxi's taxicabs, and SBC's taxicabs. Plaintiffs requested that Defendants commit
17 to make their services accessible as required under current law. Defendants have
18 failed and refused to make such a commitment.

FIRST CAUSE OF ACTION

Violation of Title III of the Americans with Disabilities Act

(42 U.S.C. § 12181 et seq.)

22 50. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1
23 through 48, inclusive.

24 51. Section 302(a) of Title III of the Americans with Disabilities Act of 1990, 42
25 U.S.C. §§ 12101 *et seq.*, provides:

26 No individual shall be discriminated against on the basis of disability
27 in the full and equal enjoyment of the goods, services, facilities,
28 privileges, advantages, or accommodations of any place of public

1 accommodation by any person who owns, leases (or leases to), or
2 operates a place of public accommodation.

3 52. The individual named Plaintiffs, members of the proposed class, and
4 Plaintiff NFB's members are qualified individuals with disabilities within the
5 meaning of Title III of the ADA.

6 53. The self-service terminals in vehicles owned, operated, and/or leased by
7 ASC, LA Taxi, and SBC are service establishments providing riders with credit
8 card payment services, trip and entertainment information, and other services and
9 are therefore places of public accommodation within the definition of Title III of
10 the ADA. 42 U.S.C. §§12181(E) and (F).

11 54. Defendant RideCharge owns, leases, and/or operates the self-service
12 terminals.

13 55. Defendants ASC, LA Taxi and SBC own, operate, and or lease ASC
14 taxicabs, LA Taxi taxicabs, and SBC taxicabs. The taxicabs owned, operated
15 and/or leased by ASC, LA Taxi, and SBC's taxicabs are places of public
16 accommodation within the meaning of Title III of the ADA. 42 U.S.C. §§
17 12181(10); 12184 (a); 28 C.F.R. § 36.104. With the exception of modifications to
18 taxicabs for the purpose of wheelchair accessibility, all of the antidiscrimination
19 provisions of Title III of the ADA apply to the goods, services, facilities,
20 privileges, advantages, and accommodations of taxicabs.

21 56. The self-service terminals in the taxicabs owned, operated, and/or leased by
22 ASC, LA Taxi, and SBC are services, facilities, privileges, advantages, and
23 accommodations of those taxicabs and are therefore subject to the
24 antidiscrimination protections of Title III of the ADA.

25 57. Title III prohibits any person who owns, leases, or operates a place of public
26 accommodation from excluding, on the basis of disability, an individual with a
27 disability or a class of individuals with disabilities from participating in or
28 benefiting from the goods, services, facilities, privileges, advantages, or

1 accommodations of public accommodations or otherwise discriminating against a
2 person on the basis of disability. 42 U.S.C. § 12182(b)(1)(A)(i).

3 58. Under Title III, it is also unlawful for places of public accommodation to
4 afford, on the basis of disability, an individual or class of individuals with
5 disabilities with an opportunity to participate in or benefit from a good, service,
6 facility, privilege, advantage, or accommodation that is not equal to that afforded
7 other individuals. 42 U.S.C. § 12182(b)(1)(A)(ii).

8 59. Title III further prohibits places of public accommodation providing, on the
9 basis of disability, an individual or class of individuals with a good, service,
10 facility, privilege, advantage, or accommodation that is different or separate from
11 that provided to other individuals. 42 U.S.C. § 12182(b)(1)(A)(iii).

12 60. It is a violation of Title III for places of public accommodation to fail to
13 make reasonable modifications in policies, practices, or procedures, when such
14 modifications are necessary to afford such goods, services, facilities, privileges,
15 advantages, or accommodations to individuals with disabilities, unless the entity
16 can demonstrate that making such modifications would fundamentally alter the
17 nature of such goods, services, facilities, privileges, advantages, or
18 accommodations. 42 U.S.C. §§ 12182(b)(2)(a)(ii); 12184(b)(2)(A); 28 C.F.R. §
19 36.302(a).

20 61. Furthermore, it is a violation of Title III for a covered entity to fail to take
21 steps that are necessary to ensure that no individual with a disability is excluded,
22 denied services, segregated, or otherwise treated differently than other individuals
23 because of the absence of auxiliary aids and services, unless the entity can
24 demonstrate that taking such steps would fundamentally alter the nature of the
25 good, service, facility, privilege, advantage, or accommodation being offered or
26 would result in an undue burden. 42 U.S.C. §§ 12182(b)(2)(a)(iii); 12184(b)(2)(B);
27 28 C.F.R. § 36.303. The regulations implementing Title III define auxiliary aids
28 and services in part as accessible electronic and information technology and

1 acquisition or modification of equipment or devices. 28 C.F.R. § 36.303(b)(2) -
2 (3).

3 62. The Title III regulations also prohibit failing to furnish appropriate auxiliary
4 aids and services where necessary to ensure effective communication with
5 individuals with disabilities. 28 C.F.R. 36.303(c)(1). To be effective, auxiliary aids
6 and services must be provided in accessible formats, in a timely manner, and in
7 such a way as to protect the privacy and independence of the individual with a
8 disability. 28 C.F.R. § 36.303(c)(1)(ii).

9 63. Title III regulations further prohibit private entities providing taxi services
10 from discriminating by refusing to provide taxi services to people with disabilities
11 who can physically access taxi vehicles. 42 U.S.C. § 12184(b)(4)(B); 49 C.F.R. §
12 37.29(c).

13 64. By requiring blind riders to seek assistance from third parties, including taxi
14 drivers, with accessing services at the self-service terminals, Defendants fail to
15 protect the privacy and independence of Plaintiffs and other class members and
16 deny blind riders access to the benefits of the self-service terminals, including,
17 among others, the ability to pay for taxicab rides independently, the ability to
18 monitor taxicab trips using the terminals' touchscreens, and the ability to privately
19 and independently determine and enter tip amounts, without the oversight or
20 interference of the taxi drivers or other third parties. Defendants therefore violate
21 Title III of the ADA by denying blind riders full and equal access to the services,
22 facilities, privileges, advantages, and accommodations of the self-service terminals
23 in ASCs's taxicabs, SBC's taxicabs, and LA Taxi's taxicabs.

24 65. Defendants also have and continue to violate Title III of the ADA by failing
25 to make reasonable modifications in policies, practices, or procedures that would
26 allow blind riders to utilize the self-service terminals and access the services of the
27 self-service terminals independently in the same way that sighted passengers do.
28

1 66. In addition, by failing to provide non-visual access features at the self-
2 service terminals that would allow blind riders to use the services of the self-
3 service terminals independently as sighted riders currently do in Defendants'
4 taxicabs, Defendants have violated the ADA by failing to take steps to ensure that
5 Plaintiffs are not excluded, denied services, segregated, or otherwise treated
6 differently than other individuals because of the absence of auxiliary aids and
7 services.

8 67. Moreover, by failing to provide non-visual access to the self-service
9 terminals, Defendants fail to furnish appropriate auxiliary aids and services
10 necessary to ensure effective communication with Plaintiffs and other class
11 members in violation of Title III of the ADA.

12 68. Defendants ASC, SBC, and LA Taxi further violate Title III of the ADA by
13 refusing to provide taxi services, including the services of the self-service
14 terminals, to blind riders who can physically access taxi vehicles.

15 69. The actions of Defendants were and are in violation of the Americans with
16 Disabilities Act, 42 U.S.C. §§ 12181, et seq., and regulations promulgated
17 thereunder. Defendants have failed to take any equitable steps to remedy their
18 discriminatory conduct, and Defendants' violations of the ADA are ongoing.
19 Unless the Court enjoins Defendants from continuing to engage in these unlawful
20 practices, Plaintiffs and other members of the class will continue to suffer
21 irreparable harm.

²² 70. Plaintiffs are entitled to injunctive relief. 42 U.S.C. § 12888.

23 | WHEREFORE, Plaintiffs pray for relief as set forth below.

SECOND CAUSE OF ACTION

Violation of the California Unruh Civil Rights Act

(California Civil Code §§ 51 and 52)

27 71. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1
28 through 69, inclusive.

1 72. The Unruh Act guarantees, inter alia, that persons with disabilities are
2 entitled to full and equal accommodations, advantages, facilities, privileges, or
3 services in all business establishments of every kind whatsoever within the
4 jurisdiction of the state of California. Cal. Civ. Code § 51(b).

5 73. The self-service terminals, ASC's taxicabs, SBC's taxicabs, and LA Taxi's
6 taxicabs are business establishments within the jurisdiction of the state of
7 California, and as such are obligated to comply with the provisions of the
8 California Unruh Civil Rights Act, California Civil Code §§ 51 *et seq.*

9 74. The Unruh Act provides, inter alia, that a violation of the ADA, §§ 12101 et
10 seq., also constitutes a violation of the Unruh Act. Cal. Civ. Code § 51(f).

11 75. Defendant's discriminatory conduct alleged herein includes, inter alia, the
12 violation of the rights of persons with disabilities set forth in Title III of the ADA
13 and therefore also violates the Unruh Act. California Civil Code § 51(f).

14 76. The actions of Defendants were and are in violation of the Unruh Civil
15 Rights Act, California Civil Code §§ 51, et seq., and therefore Plaintiffs are
16 entitled to injunctive relief remedying the discrimination. Unless the Court enjoins
17 Defendants from continuing to engage in these unlawful practices, Plaintiffs and
18 members of the class will continue to suffer irreparable harm.

19 77. Plaintiffs are also entitled to statutory minimum damages pursuant to
20 California Civil Code § 52 for each and every offense in violation of the Unruh
21 Act. Cal. Civ. Code § 52(b).

22 | WHEREFORE. Plaintiffs pray for relief as set forth below.

THIRD CAUSE OF ACTION

Violation of the California Disabled Persons Act (California Civil Code §§ 54- 54.3 and §54.9)

26 78. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1
27 through 76, inclusive.

1 79. California Civil Code §§ 54-54.3 guarantee, *inter alia*, that persons with
2 disabilities are entitled to full and equal access, as other members of the general
3 public, to accommodations, advantages, facilities, and privileges of all “common
4 carriers,” “motor vehicles,” “places of public accommodation” and “other places to
5 which the general public is invited” within the jurisdiction of California. Cal. Civ.
6 Code § 54.1(a)(1).

7 80. Defendants’ self-service terminals are “places of public accommodation” or
8 “other places to which the general public is invited” under California Civil Code
9 §54.1(a)(1).

10 81. Defendants are violating the rights of blind persons to full and equal access
11 to places of public accommodations and places to which the general public is
12 invited under California Civil Code §§ 54-54.3 by denying blind riders full and
13 equal access to the accommodations, advantages, facilities, and privileges of the
14 self-service terminals.

15 82. ASC’s taxicabs, SBC’s taxicabs, and LA Taxi’s taxicabs are “common
16 carriers,” “motor vehicles,” “places of public accommodation” or “other places to
17 which the general public is invited” under California Civil Code §54.1(a)(1).

18 83. Defendants are violating the rights of blind persons to full and equal access
19 to common carriers, motor vehicles, places of public accommodation or other
20 places to which the general public is invited under California Civil Code §§54-54.3
21 by denying blind riders full and equal access to the accommodations, advantages,
22 facilities, and privileges of ASC taxicabs, SBC taxicabs, and LA Taxi taxicabs.

23 84. Defendants are also violating California Civil Code §§ 54-54.3 in that their
24 actions are a violation of the ADA. Any violation of the ADA is also a violation of
25 California Civil Code § 54.1. Cal. Civ. Code § 54.1(d).

26 85. Defendant RideCharge is also a manufacturer or distributor of touch screen
27 devices used for self-service check-in at a facility providing passenger
28 transportation services under California Civil Code § 54.9. Defendant RideCharge

1 is in violation of California Civil Code § 54.9 because it fails to offer its
2 touchscreen self-service terminals with the necessary technology for blind persons
3 to privately and independently enter personal information needed to process
4 transactions.

5 86. Plaintiffs are entitled to statutory minimum damages for each violation of.
6 Cal. Civ. Code §§ 54-54.3(a).

7 87. Plaintiffs do not seek relief under California Civil Code § 55.

8 WHEREFORE, Plaintiffs pray for relief as set forth below.

9 **FOURTH CAUSE OF ACTION**

10 (Declaratory Relief on behalf of Plaintiffs and the Class)

11 88. Plaintiffs incorporate by reference the foregoing allegations as if set forth
12 fully herein.

13 89. An actual controversy has arisen and now exists between the parties in that
14 Plaintiffs contend, and are informed and believe that Defendants deny that by
15 providing inaccessible services, privileges, and accommodations at self-service
16 terminals at taxis in California, Defendants fail to comply with applicable laws,
17 including but not limited to Title III of the Americans with Disabilities Act, 42
18 U.S.C. §§ 12181, *et seq.*, California Civil Code §§ 51 - 52, and California Civil
19 Code §§ 54-54.3 and §54.9.

20 90. A judicial declaration is necessary and appropriate at this time in order that
21 each of the parties may know their respective rights and duties and act accordingly.
22 WHEREFORE, Plaintiffs request relief as set forth below.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs pray for judgment as follows:

25 91. A permanent injunction to prohibit Defendants and their employees, agents,
26 and any and all other persons acting on Defendants' behalf or under Defendants'
27 control from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et*

1 *seq.*, and the Unruh Act, Cal. Civ. Code §§ 51 - 52. due to inaccessible self -
2 service terminals in taxis in California;

3 92. A permanent injunction pursuant to the Americans with Disabilities Act, 42
4 U.S.C. §§ 12181, *et seq.*, and the Unruh Act, Cal. Civ. Code §§ 51 – 52, requiring
5 Defendants to take the steps necessary to make the services, facilities, privileges,
6 advantages, and accommodations they provide at self-service terminals in taxis in
7 California, including ASC taxicabs, SBC taxicabs and LA Taxi taxicabs, fully
8 accessible to and independently usable by blind riders;

9 93. A declaration that Defendants discriminate against blind persons by failing
10 to provide blind riders with full and equal access to the services, facilities,
11 privileges, advantages, and accommodations of the self-service terminals in taxis
12 in California, including ASC taxicabs, SBC taxicabs, and LA Taxi taxicabs, in
13 violation of Title III of the ADA, California Civil Code §§ 54- 54.3 and § 54.9, and
14 California's Unruh Act, California Civil Code §§ 51 – 52.

15 94. An order certifying this case as a class action under Fed. R. Civ. P. 23(a),
16 and 23(b)(2) and/or 23(b)(3) appointing Plaintiffs as Class Representatives, and
17 their attorneys as Class Counsel;

18 95. Damages in an amount to be determined by proof, including all applicable
19 statutory damages pursuant to Cal. Civ. Code § 52(a) or Cal. Civ. Code § 54.3.

20 96. An order awarding Plaintiffs reasonable attorneys' fees and costs, as
21 authorized by 42 U.S.C. § 12188, Cal. Civ. Code § 52 and Cal. Civ. Code § 54.3;
22 and

23 97. For such other and further relief as the Court deems just and proper.

24 DATED: April 2, 2014

DISABILITY RIGHTS ADVOCATES
LA BARRE LAW OFFICES
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